
	Eskom's POPIA External Privacy Notice	Document Identifier	32-0114M	Rev	2
		Effective Date	23 November 2020		
		Review Date	November 2028		

Eskom Holdings SOC Ltd (“Eskom”)

POPIA EXTERNAL PRIVACY NOTICE

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1. INTRODUCTION


- 1.1. Eskom is a company registered under the laws of the Republic of South Africa, with its primary place of business at **Megawatt Park, Sunninghill, Sandton**.
- 1.2. This Notice sets out how your Personal Information will be used by Eskom and applies to any information Eskom collects, stores, and uses, including Personal and Special Personal Information.
- 1.3. This Notice applies to visitors to Eskom's website, customers, suppliers, and any other third party.
- 1.4. It is important that you read this Notice carefully before submitting any Personal Information to Eskom.

2. DEFINITIONS

- 2.1. For purposes of this Notice:
 - 2.1.1. **"Applicable Laws"** means all laws, regulations that Eskom is required to comply with.
 - 2.1.2. **"Eskom", "Us" or "We"** means Eskom Holdings SOC Ltd and its subsidiaries.
 - 2.1.3. **"Client", "Supplier" or "you"** means any prospective, existing vendor, supplier, customer or prospective employee of Eskom and its subsidiaries.
 - 2.1.4. **"DIO"** means the Deputy Information Officer.
 - 2.1.5. **"IO"** means the Information Officer of Eskom.
 - 2.1.6. **"Personal Information"** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including but not limited to the name, race, gender, sex, pregnancy, marital status, national, ethnic or social origin, sexual orientation, age, physical or mental health, well-being disability, religion, conscience, belief, culture, language and

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birth of the person; information relating to the education or medical, financial, criminal or employment history of the person; identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person; biometric information; personal opinions, views or preferences; correspondence sent by the person that is explicitly or implicitly of a private nature and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

2.1.7. **"PAIA"** means the *Promotion of Access to Information Act 2, 2000* and any regulations or codes of conduct promulgated thereunder.

2.1.8. **"POPIA"** means the *Protection of Personal Information Act 4, 2013* and any regulations or codes of conduct promulgated thereunder.

2.1.9. **"Processing"** or **"Process"** means any activity that involves the use of Personal Information. It includes any operation or activity or any set of operations, whether by automatic means, concerning Personal Information, including:

2.1.9.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.


2.1.9.2. dissemination using transmission, distribution or making available in any other form; or

2.1.9.3. merging, linking, as well as restriction, degradation, erasure or destruction of information.

2.1.10. **"Special Personal Information"** means Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behavior of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings; and

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2.1.11. "Notice" or "Privacy Notice" means this External Privacy Notice.

2.1.12. "Website" means the Eskom website with the address: www.eskom.co.za

3. PURPOSE, SCOPE, AND APPLICATION

- 3.1. The purpose of this Notice is to inform you as to how Eskom lawfully processes your Personal Information and its commitment to protecting it.
- 3.2. Eskom generally collects, stores, and processes your personal information for various purposes, including but not limited to operational, business, marketing, and legal purposes.
- 3.3. The provision of this Notice is subject to mandatory provisions of Applicable Laws.
- 3.4. By submitting any Personal Information to Eskom, you provide consent to the Processing of your Personal Information as set out in this Notice, unless otherwise stated.
- 3.5. Please do not submit any Personal Information to Eskom if you do not agree to any of the provisions of this Notice. If you do not consent to the provisions of this Notice, or parts of the Notice, Eskom may not be able to provide its products and services to you or procure products and services from you.
- 3.6. You have the right to withdraw your consent for a specific Processing activity at any time. To withdraw your consent, please contact the relevant Deputy Information Office as stated in the PAIA/POPIA Manual published on the website. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

4. HOW TO CONTACT US


If you have any questions on how we handle your Personal Information, please contact the Information Officer or Deputy Information Officer of Eskom.

5. AMENDMENT OF THIS NOTICE

- 5.1. We may amend this Notice from time to time for any of the following reasons:

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5.1.1. To provide for the introduction of new systems, methods of operation, services, products, or facilities.

5.1.2. To comply with changes to any legal or regulatory requirement.

5.1.3. for any other reason which Eskom, in its sole discretion, may deem reasonable or necessary.

5.2. Any amendment will come into effect by republishing the Notice on our website. It is your responsibility to review the Notice regularly.

6. Information about children

6.1. We do not intend to collect and/or process any Personal Information of minors unless required for business purposes. If you do provide any Personal Information of children to us, then you warrant that this is done with the consent of the child's parent or guardian to use this information as set out in this Notice.

7. Suppliers and vendors

7.1. While conducting business with you, we may collect Personal Information about you as the supplier of goods or services to ensure that the business transaction and matters relating to it can be fulfilled.


7.2. We may also conduct due diligence and probity checks on you to ensure that you meet the requirements set out in our procurement and supply chain management policy, as well as to prevent fraudulent or unlawful activity.

7.3. If you provide any Personal Information of other persons to us, such as your employees or directors and shareholders, you warrant that you are authorised to share their Personal Information with us for purposes set out in this Notice.

7.4. If you are registered as a vendor on the Eskom Vendor Database, we may require you to submit updates to commercial documents annually to remain registered in the vendor database.

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8. PRIVACY AND INDEMNITY


- 8.1. Eskom takes your privacy and the protection of your Personal Information very seriously, and we will only use your Personal Information in accordance with this Notice and applicable data protection legislation. It is important that you take all necessary and appropriate steps to protect your Personal Information yourself (for example, by ensuring that all passwords and access codes are kept secure).
- 8.2. We have implemented reasonable technical and operational measures to keep your Personal Information secure.
- 8.3. You hereby indemnify Eskom from any loss, damages, or injury that you may incur as a result of any unintentional disclosures of your Personal Information to unauthorised persons or the provision of incorrect or incomplete Personal Information to Eskom.

9. INFORMATION WHICH WE MAY COLLECT ABOUT YOU

- 9.1. We may collect the following information about you:
- 9.1.1. your name, title, address, telephone number, email address, gender, marital status, date of birth, place of birth, nationality, identity number, passport number, bank details, disability status, details about your employment, directorship, shareholding, tax number, company registration number, and financial information.
 - 9.1.2. recruitment information (including copies of right-to-work documentation, references from previous employer/s, employment history, salary information and other information included in a curriculum vitae (CV) or cover letter or as part of the recruitment process)
 - 9.1.3. results of psychometric assessments.
 - 9.1.4. details of contracts, sales or leases executed with Eskom; and

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9.1.5. sensitive or Special Personal Information, including biometric information, such as images, voice recordings, medical assessment information, information on criminal convictions and offences, race and ethnicity.

9.2. Where you provide Eskom with the Personal Information of third parties, you should take steps to inform the third party that you need to disclose their details to Eskom. Eskom will process its Personal Information in accordance with this Notice.

9.3. In most circumstances, providing your Personal Information to Eskom is voluntary. Sometimes, it may be mandatory to provide your Personal Information to us. If you fail to provide certain information when requested, Eskom may not be able to perform the services you requested or may not be able to proceed with the evaluation and awarding of tenders, or concluding a contract for the procurement of goods and services from yourself or may be prevented from complying with its legal obligations.

10. HOW WE COLLECT INFORMATION

10.1. You may provide Personal Information to Eskom either directly or indirectly (through an agent acting on your behalf), by completing an application for our products and services or requesting further information about our products and services, whether in writing, through our website, over the telephone or any other means or by submitting a tender, RFP or RFQ or RFI application for the procurement of goods or services from yourself. We further collect your personal information when we register you on our supplier database.


10.2. We may also collect your Personal Information from your appointed agent, any regulator, or other third party that may hold such information.

10.3. We collect Personal Information about applicants for employment through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties, including former employers, credit reference agencies or bureaus, or other background check agencies.

10.4. We collect your Personal Information when you visit any Eskom premises.

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10.5. We collect your Personal Information via CCTV camera monitoring at all Eskom's premises.


11. USE OF INFORMATION COLLECTED

11.1. We may use, transfer, and disclose your Personal Information for:

- 11.1.1. providing you with the services, products, or offerings you have requested, and notifying you about important changes to these services, products or offerings or procuring your goods and services.
- 11.1.2. evaluating, adjudicating and awarding of tenders, including but not limited to RFPs, RFIs, RFQs
- 11.1.3. managing your account or relationship and complying with your instructions or requests.
- 11.1.4. detecting and preventing fraud, money laundering, or any other unlawful conduct in the interest of security and crime prevention.
- 11.1.5. Assessing and dealing with complaints and requests.
- 11.1.6. operational, marketing, auditing, legal and record-keeping requirements.
- 11.1.7. verifying your identity or the identity of your beneficial owner, director or employees.
- 11.1.8. transferring or processing your Personal Information outside of the Republic of South Africa to such countries that may not offer the same level of data protection as the Republic of South Africa, including for cloud storage purposes and the use of any of our websites.
- 11.1.9. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government, and tax collection agencies.

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- 11.1.10. Recording and/or monitoring your telephone calls and electronic communications to/with Eskom to accurately carry out your instructions and requests, to use as evidence and in the interests of crime prevention.
- 11.1.11. conducting market research and providing you with information about our products or services from time to time via email, telephone, or other means (for example, events).
- 11.1.12. where you have unsubscribed from certain direct marketing communications, ensuring that we do not send such direct marketing to you again.
- 11.1.13. disclosing your Personal Information to third parties for reasons set out in this Notice or where it is not unlawful to do so.
- 11.1.14. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Eskom or any of its employees, agents or contractors, including monitoring, recording and using as evidence all telephone communications or virtual meetings between you and Eskom.
- 11.1.15. improving or evaluating the effectiveness of our business or products, services or offerings or improving or evaluating the effectiveness of your business or goods or services rendered to Eskom.
- 11.1.16. ascertaining whether an applicant for employment is legally entitled to work in South Africa.
- 11.1.17. to consider the suitability of any applicant for employment for appointment to the position advertised by Eskom.
- 11.1.18. for security screening or vetting as part of job-specific requirements.
- 11.1.19. to ascertain the fitness to work of an applicant for employment
- 11.1.20. visitors' information for the security and safety of our premises

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- 11.2. Eskom may, from time to time, contact you about services, products, and offerings available from Eskom or specific subsidiaries, which we believe may be of interest to you, by email, phone, text or other electronic means, unless you have unsubscribed from receiving such communications. You can unsubscribe from receiving such communications by clicking on the unsubscribe link in the communication received.

12. DISCLOSURE OF YOUR INFORMATION

- 12.1. Your Personal Information may be shared with Eskom's subsidiaries, agents, and sub-contractors, and selected third parties who process the information on behalf of Eskom.

- 12.2. We may also disclose your Personal Information to third parties in the following circumstances:

- 12.2.1. who are contracted to provide products or services to you or who you may be contracted to provide products or services to Eskom or its subsidiaries.
- 12.2.2. to assess and monitor any of your applications for products or services, or to assess and monitor any of your contracts with Eskom or its subsidiaries.
- 12.2.3. to determine which products and services may be of interest to you and/or to send you information about such products and services unless you object or choose not to receive such communications.
- 12.2.4. to have a better understanding of your circumstances and needs to provide and improve Eskom's products and services.
- 12.2.5. to any relevant person and/or entity for purposes of prevention, detection and reporting of fraud and criminal activities, the identification of the proceeds of unlawful activities and the combating of crime.
- 12.2.6. to any regulator, supervisory authority, financial institutions or law enforcement agency, including those in foreign jurisdictions, if Eskom is required to do so in terms of Applicable Laws.
- 12.2.7. to a prospective buyer or seller of any of our businesses or assets.

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12.2.8. to any third party if Eskom is under a duty to disclose or share your Personal Information to comply with any Applicable Laws, or to protect the rights, property or safety of Eskom, clients or other third parties; and/or

12.2.9. to your agent or any other person acting on your behalf.

12.3. We may transfer your information to Eskom's subsidiaries, an agent, subcontractor or third party who carries on business in another country, including one that may not have data privacy laws like those of South Africa. If this happens, Eskom will ensure that anyone to whom we pass your information agrees to treat your information with the same level of protection as if Eskom were dealing with it.

12.4. If you do not wish for Eskom to disclose this information to third parties, please contact us at the contact details set out in Clause 14. However, Eskom may not be able to provide products or services if such disclosure is necessary or conclude any contract for the procurement of goods and services.

13. RETENTION OF YOUR INFORMATION

As a rule, we will retain your information in accordance with retention periods set out in Applicable Laws, unless we need to retain it longer for a lawful purpose as set out in Eskom's Records Retention Standards. (For example, for complaints handling, legal processes, and internal proceedings.)


14. ACCESS TO CORRECTION AND DELETION OF YOUR PERSONAL INFORMATION

14.1. You may request details of Personal Information we hold about you under the *Promotion of Access to Information Act, 2000* ("PAIA"). Fees to obtain a copy or a description of Personal Information held about you are prescribed in terms of PAIA. Confirmation of whether we hold Personal Information about you may be requested free of charge. If you would like to obtain a copy of your Personal Information held by Eskom, please review our PAIA Manual on our website: www.eskom.co.za.

14.2. You may request the correction of Personal Information Eskom holds about you and your business. Please ensure that the information we hold about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, Eskom

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may limit the products and services offered to you or elect not to open the account or procure goods and services from you.

14.3. You have a right in certain circumstances to request the destruction or deletion of and, where applicable, to obtain restriction on the Processing of Personal Information held about you. If you wish to exercise this right, please refer to the PAIA manual.

14.4. You have a right to object on reasonable grounds to the Processing of your Personal Information where the Processing is carried out to protect our legitimate interests or your legitimate interests unless the law provides for such Processing.

15. COMPLAINTS

15.1. Should you believe that Eskom has utilised your Personal Information contrary to Applicable Laws, you undertake first to attempt to resolve any concerns with us. The complaints form can be located on Eskom's website www.eskom.co.za.

15.2. If you are not satisfied with such a process, you may have the right to complain to the Information Regulator, using the contact details listed below:

E-mail address: complaints.IR@justice.gov.za

Physical address Woodmead North Office Park

54 Maxwell Drive

Woodmead

Johannesburg

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